

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on January 25,
15 2010. The defendant appeared pursuant to a summons issued in this case. The United States
16 was represented by Darwin P. Roberts, and defendant was represented by Nancy Tenney. Also
17 present was U.S. Probation Officer Jennifer Van Flandern. The proceedings were digitally
18 recorded.

SENTENCE AND PRIOR ACTION

20 Defendant was sentenced on June 17, 2007 by the Honorable John C. Coughenour for
21 Conspiracy to Distribute Ecstasy. He received 24 months of detention and 3 years of supervised
22 release. Mr. Lee's first term of supervised release was modified on May 6, 2008 to include 60
23 days of home confinement with electronic monitoring. On May 15, 2009, Mr. Lee's supervised

1 release was revoked and he was sentenced to 60 days detention and one year of supervised
2 release after he admitted to falsifying his monthly supervision report, associating with persons
3 engaged in criminal activity, and failing to notify his probation officer within 72 hours of being
4 questioned or arrested by law enforcement. Mr. Lee was found guilty by preponderance of the
5 evidence of having committed the crime of obstructing of a public servant and organized retail
6 theft 2nd degree.

7 Mr. Lee's second term of supervised release was revoked on October 2, 2009. He was
8 sentenced to credit for time served followed by one year of supervised release after he admitted
9 to using benzodiazepines, failing to comply with the rules and regulations of the residential
10 reentry center and failing to get prior approval from this probation officer before accepting
11 employment.

12 Mr. Lee was released from custody on October 5, 2009, and began his third term of
13 supervised release.

14 PRESENTLY ALLEGED VIOLATIONS

15 In a petition dated December 10, 2009 U. S. Probation Officer Angela McGlynn alleged the
16 following violations of conditions of supervised release:

- 17 1. Failing to report to the U.S. Probation Office within 72 hours or release from
18 confinement, in violation of the general condition requiring the defendant to report
19 within 72 hours of release from custody.
- 20 2. Using controlled substances on or about the following dates: October 28, November
21 2, 4, 13, and 25, and December 9, 2009, in violation of standard condition 7.
- 22 3. Failing to report for urine testing as directed on or about December 7, 2009, in
23 violation of the special condition requiring the defendant to report for urine testing

1 as directed.

2 In a supplemental petition dated January 13, 2010, U.S. Probation Officer Angela McGlynn
3 alleged the following violations of the conditions of supervised release:

4 4. Failing to report for urine testing as directed on December 14, 17, 18, 22, and 29,
5 2009, and January 6 and 11, 2010, in violation of the special condition requiring the
6 defendant to report for urine testing as directed.

7 5. Failing to participate as instructed by the probation officer in a program approved by
8 the probation officer for the treatment of narcotic addiction or drug dependency as of
9 January 9, 2010, in violation of the special condition requiring the defendant to
10 participate in a substance abuse treatment program approved and directed by the
11 probation officer.

12 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

13 Defendant admitted the above violations, waived any hearing as to whether they occurred,
14 and was informed the matter would be set for a disposition hearing February 2, 2010 at 9:00 a.m.
15 before District Judge John C. Coughenour.

16 **RECOMMENDED FINDINGS AND CONCLUSIONS**

17 Based upon the foregoing, I recommend the court find that defendant has violated the
18 conditions of his supervised release as alleged above, and conduct a disposition hearing.

19 DATED this 25th day of January, 2010.

20
21 
22 BRIAN A. TSUCHIDA
23 United States Magistrate Judge